

REMARKS UNDER 37 CFR § 1.111

Claims 1-20 were examined and are pending after entry of the amendments set forth herein. Claims 6, 9-13 and 16-19 were rejected. Claims 7, 9, 14, 15 and 20 were objected to. Claims 1, 9, 16 and 20 are amended. No new matter has been added. Support for the amendments is found through the application as filed.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

Claim Rejections

In rejecting claim 1 over Balthauser, it was asserted that the reference discloses a lamp in which its members are “selectively rotatable such that the opaque portions may be aligned such that no light... can pass” However, the reference clearly fails to disclose completely blocking-off light as required by the amended claims.

The referenced Balthauser device permits light to escape from the top, where the concentric shades are uncovered. Accordingly, claims 1, 9 and those dependent therefrom are distinguished from the reference.

Furthermore, it is asserted that one would not be motivated to alter the Balthauser lamp to meet the claim limitations. A desire to so-modify the device to create a Shabbos lamp will not be adequate in that this would merely represent hindsight reconstruction based on Applicants’ own specification. Moreover, Balthauser teaches away from such a prospect. Stated objects of the invention include: 1) providing a lamp which permits a wide variety of light selection; and 2) furnishing a lamp construction which permits control of lighting direction as well as intensity. *See*, col. 1, lns. 23-27.

Copying the lamp in Figs. 12 and 13 would not be in accord with each stated purpose. Completely blocking out light does not represent light-level selection. It *amounts* to turning it off. Whereas, in Balthauser, with an open top, the lamp will continue to cast light upward even if the cylinders are set-up to block light at the sides. Configured thus, the device truly offering light selection through a complete range of operation.

Further, the second noted object of the invention involves selecting light direction. In the case where the sides of the device block light, an upward-only direction for light has been selected.

However, were the top closed, light direction selection is impossible when the sides of the device are blocked-out. For any or all of these reasons, claims 1-15 are believed to be in condition for allowance.

Regarding claim 16, thought not believed to be necessary, the claim has been amended so that the light is supported by a first support *base*. As claimed, a second support *base* is dimensioned to fully encompass the first support base without touching the first support base. Such language is believed to clarify the nature of the support elements. As now explicitly required by the claims, the portions of the illumination device holding the stated elements – the bases – do not touch. Especially in the context of the present claim language, it is asserted that Balthauser portion 60 noted by the Examiner is actually as much a part of the first base as socket 24. Grouped as such, there is no “second base” present in the Balthauser reference (at least there is no second base not in contact with the structure involved in holding the light – i.e. the first base). Exemplary first and second base members such as claim 16 is intended to cover are shown in figures 5a and 5b as elements 504 and 510, respectively. In view of such an understanding of the claim language as Applicants intend, it is believed that the claims are in condition for allowance.

Should the Examiner, however, read the claims differently than intended and as defined in the Specification and as above and intend to maintain the rejection, it is respectfully requested that the undersigned by contact before issuing another Office Action. This courtesy is requested in order that mutually agreeable language may be settled on between Applicant and the Examiner.

Semantics aside, it is believed that the structure of the Shabbos lamp Applicants intend to claim differs significantly from the Balthauser lamp. By way of intermediate pieces of each base, each element in the Balthauser device is in contact. In contrast, Applicant’s invention requires that certain elements (as grouped together) are not in contact. This is a point of primary emphasis throughout the Specification as filed. Yet, Applicants acknowledge the need for precise claim language and would like to work with the Examiner in the event the present amendments to claim 16 do not satisfy the Examiner as to the distinct nature of Applicants’ invention.

Joint inventors/common ownership

Applicants note that they have already indicated (in the last amendment filed) that the claimed invention(s) were subject to an obligation of common ownership prior to the time any later invention was made. An assignment to this effect will be filed in the present application shortly.

Regardless, it is noted that each of claims 4, 6, 7, 13 and 14 represent joint contributions by both inventors. The subject matter of the remaining claims is by Mr. Dutka alone.

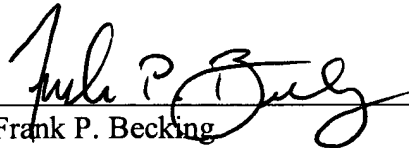
Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number DTKA-002.

Respectfully submitted,
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Date: 6/30/03

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